

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of

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Amendment of Part 73 to More Effectively) MM Docket No. 96-62
Resolve Broadcast Blanketing Interference)

**REPLY COMMENTS OF
TELECOMMUNICATIONS INDUSTRY
ASSOCIATION/UPED**

The User Premises Equipment Division of the Telecommunications Industry Association ("TIA/UPED") hereby replies to the comments of others in the captioned proceeding. In its own Comments of June 25, 1996, TIA/UPED urged that telecommunications terminal equipment complying with a certain voluntary standard of RF interference immunity¹ be granted the protections against so-called "blanketing interference" from broadcast stations in proposed Section 73.1630 of the Rules.² We are pleased that the record supports our position.

Expressly endorsing the addition of non-radio frequency ("RF") terminal equipment to the list of devices covered by the new rule were the Consumer Electronics Manufacturers Association ("CEMA") (Comments, 7), National Public Radio ("NPR") (Comments, 3), Lucent (Comments, 2-3) and Safety & Supply Company. Even the broadcasters and engineering consultants who opposed expansion of the list of covered devices did so on the assumption that the equipment would not be built to any threshold of RF

¹ "Telecommunications Telephone Terminal Equipment -- Radio Frequency Immunity Requirements for Equipment Having an Acoustic Output," ANSI/TIA/EIA-631 (1996), hereafter "TIA-631").

² Notice of Proposed Rule Making, 11 FCC Rcd 4750, 4756-59 (1996).

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interference immunity. Several mentioned compliance with TIA-631 as a potentially useful prerequisite to protection against blanketing interference. For example, the National Association of Broadcasters ("NAB") stated:

We note that the Telecommunications Industry Association (TIA), the telephone equipment manufacturers' own trade association, has recognized this responsibility [to build RF interference-resistant devices] and adopted immunity standards for telephone terminal equipment . . . While we are not necessarily endorsing the specific limits or frequency ranges embodied in the TIA standards, we absolutely agree that some limits must be set. (Comments, 5)

Similarly, Hammett & Edison declared:

We agree that resolving telephone interference complaints should be required of broadcasters, but if, and only if, *mandatory* standards for RF susceptibility are established for telephones. (Comments, 3, emphasis added)

TIA-631 is a voluntary standard, and we believe it should remain so. But it would become a mandatory prerequisite for the manufacturer or user of telephone terminal equipment who seeks protection under proposed Section 73.1630, if the FCC adopts TIA/UPED's position. That is, the manufacturer would continue to be free to make, and the consumer to purchase, devices not meeting the TIA-631 threshold of interference immunity. But such devices would not qualify for inclusion on the list of equipment covered by the new rule.

NAB commented that "the Commission has a responsibility to set" RF susceptibility limits that would "apply to all consumer electronic equipment." It urges the FCC to "initiate such a proceeding expeditiously" and to include in its future reviews the TIA standard. (Comments, 5) A new

and separate proceeding may be required for the generality of "all consumer electronic equipment," but the specific relationship of TIA-631 to blanketing interference protection for telephones can be decided here, without further delay.

The ANSI/TIA/EIA standard was explicitly referenced in the Notice (§28), and "specific comment" was sought on the special case of telephone interference. Views have been offered about standards in general and TIA-631 in particular. These steps comply fully with the rulemaking requirements of the Administrative Procedure Act found at 5 U.S.C. §553 and pertinent judicial precedent.³

The parallels are instructive in the FCC's 1984 adoption of the "hearing aid compatibility" standard at Section 68.316 of the Rules. There, the agency incorporated into its regulations a voluntary standard of the Electronic Industries Association ("EIA").⁴ It had not initially suggested this specific standard in the preceding rulemaking notice,⁵ but accepted it on the basis of comments received. Under the circumstances of that time, not all telephone handsets were required to be hearing aid-compatible, but manufacturers who chose to describe their devices as compatible were obliged to build to the voluntary standard. In terms of enforcement, the Commission declined to order federal testing prior to adoption of the EIA

³ Moreover, U.S. government policy is to encourage "the development of voluntary standards that will eliminate the necessity for development or maintenance of separate Government standards." Office of Management and Budget (OMB), Circular A-119, 49 Fed.Reg. 49,496-97 (1982).

⁴ *Access to Telecommunications Equipment by the Hearing Impaired*, 49 Fed.Reg. 1352, January 11, 1984, §§38-41.

⁵ *Telecommunications Equipment*, 93 FCC 2d 1311, 1320-21 (1983).

standard, and elected to rely on backup data as to compliance only if requested by the FCC.

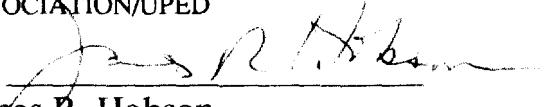
In its earlier Comments, TIA/UPED suggested a similarly easy method of identification of interference-resistant telephones which could prove useful in broadcaster-user negotiations and, if necessary, in FCC enforcement. A Form 730 applicant could indicate whether the device applied for complied with TIA-631, but the answer would not affect the equipment authorization process itself. (Comments, 4)⁶ There may be other and/or better ways to collect information and enhance the interference resolution process, and TIA/UPED is open to considering them.

CONCLUSION

For the reasons discussed above, the Commission should include in the list of devices covered under proposed Section 73.1630 any telecommunications telephone terminal equipment complying with TIA-631. Manufacturers should remain free to build and market non-complying devices, but they and their users should not expect to be protected under the new rule.

Respectfully submitted,

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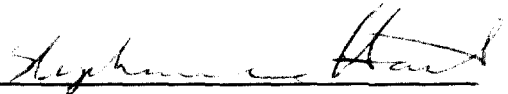
July 25, 1996

ITS ATTORNEY

⁶ TIA-631 suggests optional labeling at Section 7, page 39. The FCC staff also maintains labeling information in its database.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1996 a copy of the foregoing
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